



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Anne L. Weismann, Interim Executive Director  
Citizens for Responsibility and Ethics in Washington  
455 Massachusetts Ave., NW, Sixth Floor  
Washington, D.C. 20001

**MAR 10 2015**

RE: MUR 6465  
The Arizona Sports Foundation,  
dba The Fiesta Bowl, *et al.*

Dear Ms. Weismann:

This is in reference to the complaint that Citizens for Responsibility and Ethics in Washington ("CREW") filed with the Federal Election Commission ("Commission") on April 5, 2011, concerning The Arizona Sports Foundation, dba The Fiesta Bowl ("Fiesta Bowl"), and a number of its officers and employees. The Commission made reason to believe findings and accepted conciliation agreements with a number of Respondents in this matter.

The Commission found there was reason to believe that the Fiesta Bowl knowingly and willfully violated 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). On June 22, 2012, the Commission accepted a conciliation agreement signed by the respondent. A copy of that conciliation agreement is enclosed. In addition, the Commission sent an admonishment to the Fiesta Bowl.

The Commission also found that there was reason to believe that former Fiesta Bowl President and Chief Executive Officer, John Junker, knowingly and willfully violated 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f), provisions of the Act. On November 8, 2013, the Commission accepted a conciliation agreement signed by Mr. Junker. A copy of the conciliation agreement is enclosed. The Commission also found that there was reason to believe that former Fiesta Bowl Chief Operating Officer, Natalie Wisneski, knowingly and willfully violated 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f), provisions of the Act. On October 22, 2013, the Commission accepted a conciliation agreement signed by Ms. Wisneski. A copy of that agreement is enclosed.

The Commission also took the following actions regarding MUR 6465, including actions related to the counts in CREW's complaint:

- The Commission found that there was reason to believe that Gary Husk knowingly and willfully violated 52 U.S.C. § 30122 (formerly 2 U.S.C. §441f), a provision of the Act. After considering the circumstances in this matter, the Commission determined on February 27, 2015, to take no further action as to Gary Husk and closed the file as to him. *See* enclosed MUR 6465 General Counsel's Report # 3.
- The Commission found that there was reason to believe that the Fiesta Bowl's former Vice President for Media Relations, Shawn Schoeffler violated 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f), provisions of the Act. After considering the circumstances of the matter, the Commission determined on February 27, 2015, to take no further action as to Shawn Schoeffler and closed the file as to him. *See* enclosed MUR 6465 General Counsel's Report #3.
- Upon consideration of the circumstances in this matter, the Commission determined on February 27, 2015, to taken no action with respect to Anthony Aguilar, Scot Asher, Peggy Eyanson, Lee Eyanson, Jamie Fields, Jay Fields, Mary McGynn, Susan Junker, Monica Simental, and Richard Wisneski, and closed the file as to them.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Marianne Abely  
Attorney

Enclosures  
Conciliation Agreements(3)  
General Counsel's Report #3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Natalie Wisneski )

MUR 6465

2013 AUG 25 PM 2:19  
OFFICE OF  
COUNCIL

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint. The Federal Election Commission ("Commission") found reason to believe that Natalie Wisneski ("Respondent") knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent Natalie Wisneski is the former Chief Operating Officer of the Arizona Sports Foundation, dba The Fiesta Bowl ("Fiesta Bowl"), a non-profit corporation in the state of Arizona organized under section 501(c)(3) of the Internal Revenue Code.

2. The Federal Election Campaign Act, as amended, (the "Act") prohibits corporations from making contributions from their general treasury funds in connection with the election of

MUR 6465  
Conciliation Agreement  
Natalie Wisneski

any candidate for federal office. 2 U.S.C. § 441b(a). In addition, section 441b(a) prohibits any officer or director of any corporation from consenting to any contribution by the corporation.

3. The Act also prohibits any person from making a contribution in the name of another and from knowingly permitting his or her name to be used to effect such a contribution.

2 U.S.C. § 441f. In addition, "no person shall . . . knowingly help or assist any person in making a contribution in the name of another." 11 C.F.R. § 110.4(b)(1)(iii).

4. A knowing and willful violation of the Act requires knowledge of all of the relevant facts and a recognition that the action is prohibited by law.

5. Since 2000, the Fiesta Bowl has used corporate funds to reimburse at least twenty-one individuals for at least \$46,539 in campaign contributions. At least \$30,400 of the contributions were made to federal candidates, comprised of twenty-nine contributions made by fourteen individuals.

6. Former President and Chief Executive Officer John Junker and lobbyist Gary Husk determined which federal candidates were to receive contributions. Typically, Junker and Husk requested that Wisneski solicit staff members. Husk's office, in some cases, sent contribution solicitations by e-mail to Junker and in a very few instances, Husk directly e-mailed contribution solicitations to Wisneski. Wisneski would then ask employees to make the contributions. The primary means of reimbursing contributors was through "bonus" checks approved by John Junker and signed by Wisneski. Wisneski consented to and assisted with the reimbursements by soliciting Fiesta Bowl employees to make contributions, by signing the reimbursement checks, and by authorizing the use of Fiesta Bowl funds to reimburse employees and other individuals, including her own contributions.

MUR 6465  
Conciliation Agreement  
Natalie Wisneski

7. On March 15, 2012, Natalie Wisneski entered a Plea Agreement in U.S. District Court, pleading guilty to 18 U.S.C. § 371 (Conspiracy), admitting, *inter alia*, that she "knowingly and willfully" conspired with others to make "campaign contributions in the name of another" in violation of the law.

V. Respondent knowingly and willfully consented to the use of corporate funds to make contributions in the names of others, assisted in making contributions in the names of others, and allowed her name to be used to effect such contributions, all in violation of 2 U.S.C. §§ 441b(a) and 441f.

VI. Respondent will cease and desist from violating 2 U.S.C. §§ 441b(a) and 441f.

VII. In ordinary circumstances, the Commission would seek a civil penalty based on the knowing and willful violations outlined in this agreement. However, the Commission is taking into account the fact that Respondent, through the submission of financial documentation to the Commission and additional representations, has demonstrated that financial hardship prevents her from paying a civil penalty in this matter. The documentation and representations indicate that Respondent has significant liabilities and does not have sufficient assets with which to pay the civil penalty. She was also convicted in a criminal matter arising from the same circumstances as described herein. The Commission regards Respondent's document submissions and representations as material representations. Due to the mitigating circumstances presented by Respondent's financial condition, the Commission agrees that Respondent has demonstrated financial hardship that prevents her from paying a civil penalty in this matter and that no civil penalty shall be due. If evidence is uncovered indicating that Respondent's financial condition is not as stated, a civil penalty of up to fifteen thousand dollars (\$15,000) shall be immediately due, pursuant to 2 U.S.C. § 437g(a)(5)(B).

MUR 6465  
Conciliation Agreement  
Natalie Wisneski

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement

FOR THE COMMISSION:

**Daniel A. Petalas**  
**Associated General Counsel**  
**for Enforcement**

Date 10/23/13

**Natalie Wisneski:**

7-28-13  
Date

# **THE STANLEY**

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 6465  
John H. Junker )

## CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint. The Federal Election Commission ("Commission") found reason to believe that John H. Junker ("Respondent") knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent John H. Junker is the former President and Chief Executive Officer of the Arizona Sports Foundation, dba The Fiesta Bowl ("Fiesta Bowl"), a non-profit corporation in the state of Arizona organized under section 501(c)(3) of the Internal Revenue Code.

2. The Federal Election Campaign Act, as amended, (the "Act") prohibits corporations from making contributions from their general treasury funds in connection with the election of



John H. Junker  
MUR 6465  
Conciliation Agreement

any candidate for federal office. 2 U.S.C. § 441b(a). In addition, section 441b(a) prohibits any officer or director of any corporation from consenting to any contribution by the corporation.

3. The Act also prohibits any person from making a contribution in the name of another and from knowingly permitting his or her name to be used to effect such a contribution. 2 U.S.C. § 441f. In addition, "no person shall . . . knowingly help or assist any person in making a contribution in the name of another." 11 C.F.R. § 110.4(b)(1)(iii).

4. A knowing and willful violation of the Act requires full knowledge of all the relevant facts and a recognition that the action is prohibited by law.

5. Since 2000, the Fiesta Bowl has used corporate funds to reimburse at least twenty-one individuals for at least \$46,539 in campaign contributions. At least \$30,400 of the contributions were made to federal candidates, comprised of twenty-nine contributions made by fourteen individuals.

6. Contributions were typically requested by Junker, former Fiesta Bowl Chief Operating Officer Natalic Wisneski, and former Fiesta Bowl consultant Gary Husk. Husk's office would typically send contribution solicitations by e-mail to Junker or Wisneski, and then a copy of the e-mail would be sent to other employees. The primary means of reimbursing contributors was through "bonus" checks signed by Wisneski. Junker consented to and assisted with the reimbursements by making the decision to solicit employees and by directing Wisneski to use Fiesta Bowl funds to reimburse employees and other individuals, including his own contributions.

7. Junker knew at the time that it was illegal for all corporations, including all non-profit corporations, to make donations to political campaigns, and that it was illegal to use other people's names to make contributions using corporate funds.

John H. Junker  
MUR 6465  
Conciliation Agreement

8. On March 13, 2012, Junker entered a Plea Agreement in U.S. District Court, pleading guilty to 18 U.S.C. § 371 (Conspiracy), admitting, *inter alia*, that he "knowingly and willfully" violated the law by "making campaign contributions in the name of another."

9. Respondent states that he paid restitution to the Fiesta Bowl in the sum of \$62,500, which he contends reimbursed the Fiesta Bowl for all prohibited contributions (local, state and federal) reimbursed to employees and spouses from Fiesta Bowl funds.

V. Respondent knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f by consenting to the use of corporate funds to make contributions in the names of others, by assisting in making contributions in the names of others, and by allowing his name to be used to effect such contributions.

VI. Respondent will cease and desist from violating 2 U.S.C. §§ 441b(a) and 441f.

VII. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Twenty-five Thousand dollars (\$25,000), pursuant to 2 U.S.C. § 437g(a)(5)(B).

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

John H. Junker  
MUR 6465  
Conciliation Agreement

8. On March 13, 2012, Junker entered a Plea Agreement in U.S. District Court, pleading guilty to 18 U.S.C. § 371 (Conspiracy); admitting, *inter alia*, that he "knowingly and willfully" violated the law by "making campaign contributions in the name of another."

9. Respondent states that he paid restitution to the Fiesta Bowl in the sum of \$62,500, which he contends reimbursed the Fiesta Bowl for all prohibited contributions (state and federal) reimbursed to employees and spouses from Fiesta Bowl funds.

V. Respondent knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f by consenting to the use of corporate funds to make contributions in the names of others, by assisting in making contributions in the names of others, and by allowing his name to be used to effect such contributions.

VI. Respondent will cease and desist from violating 2 U.S.C. §§ 441b(a) and 441f.

VII. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Twenty-five Thousand dollars (\$25,000), pursuant to 2 U.S.C. § 437g(a)(5)(B).

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

RECEIVED: 2013-03-14 13:37:51 (GMT -07:00)



BEFORE THE FEDERAL ELECTION COMMISSION 2012 JUN 12 PM 12:01

In the Matter of )  
 ) MUR 6465  
The Arizona Sports Foundation, )  
dba The Fiesta Bowl )

OFFICE OF GENERAL  
COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint. The Federal Election Commission ("Commission") found reason to believe that The Arizona Sports Foundation, dba The Fiesta Bowl ("Respondent"), knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, The Arizona Sports Foundation, dba The Fiesta Bowl ("Fiesta Bowl") is registered as a non-profit corporation in the state of Arizona and is organized under section 501(c)(3) of the Internal Revenue Code.

2. John Junker is the former President and Chief Executive Officer of the Fiesta Bowl.

3. Natalie Wisneski is the former Chief Operating Officer of the Fiesta Bowl.

4. Anthony Aguilar is the Director of Community and Corporate Relations of the Fiesta Bowl.

5. Peggy Eyanson is the Director of Business Operations of the Fiesta Bowl.

#### Applicable Law

6. The Federal Election Campaign Act ("the Act") prohibits corporations from making contributions from their general treasury funds in connection with the election of any candidate for federal office. 2 U.S.C. § 441b(a).

7. The Act also prohibits any person from making a contribution in the name of another and from knowingly permitting his or her name to be used to effect such a contribution. 2 U.S.C. § 441f.

8. Commission regulations at 11 C.F.R. § 110.4(b)(2)(i) and (ii) provide examples of making a contribution in the name of another that include (1) giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made, or (2) making a contribution of money or anything of value and attributing as the source of the money or thing of value another person when in fact the contributor is the source.

#### Corporate Reimbursements

9. Since 2000, the Fiesta Bowl has used corporate funds to reimburse at least twenty-one individuals for at least \$46,539 in campaign contributions. At least \$30,400 of the contributions were made to federal candidates, comprised of twenty-nine contributions made by fourteen individuals.

10. Contributions were typically requested by John Junker, Natalie Wisneski, and former Fiesta Bowl consultant Gary Husk. Husk's office would sometimes send a contribution request by email to Junker, Wisneski, or Aguilar, and then a copy of the email would be sent to other employees. Some employees initially refused to contribute, but later did contribute after being promised a reimbursement.

11. The primary means of reimbursing contributors was through "bonus" checks handed out by Wisneski at Junker's direction. Junker instructed her to simultaneously give bonuses to individuals who had not contributed in order to disguise the purpose of the reimbursements. Junker asked Wisneski to come up with pretextual reasons for the bonuses.

12. The reimbursement checks were written from a manual checkbook that was typically used to pay for non-payroll items such as bills from independent contractors. The amounts were usually "grossed up" to account for state and federal taxes. The checks were usually signed by Wisneski after Eyanson filled out the date, amount, and payee information. Some of the contributions for which the employees were reimbursed were made in the names of their spouses.

13. In addition to individual bonus checks, another means of reimbursement was to have one employee receive a large bonus check so that employee could then reimburse others for their contributions.

14. The fact that Junker and Wisneski disguised the reimbursements mainly as bonuses over the course of several years suggests they knew the reimbursements were unlawful and attempted to conceal them.

15. In addition, when the Fiesta Bowl investigated the reimbursements in 2009, Junker and Husk carefully chose the witnesses and coached some of them so as not to reveal the reimbursements. Given the consistency of the accounts of several witnesses, it appears that Husk and Junker intentionally manipulated the investigation to ensure that the Fiesta Bowl's reimbursement practices would not be revealed. Respondent contends that these actions were unauthorized and deceived the Fiesta Bowl's Board of Directors.

16. In late 2009 and early 2010, after the Secretary of State for Arizona requested information gathered during the investigation, certain former Fiesta Bowl employees falsified documents so as to prevent State officials from uncovering the scheme.

V. Solely for the purpose of settling this matter expeditiously and avoiding litigation, Respondent acknowledges that, through the acts of certain of its former officers and employees, it:

1. Knowingly and willfully violated 2 U.S.C. § 441b(a) by making corporate contributions.

2. Knowingly and willfully violated 2 U.S.C. § 441f by making contributions in the name of other persons.

VI.. Respondent will cease and desist from violating 2 U.S.C. §§ 441b(a) and 441f.



VII. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Seventy-One Thousand dollars (\$71,000), pursuant to 2 U.S.C. § 437g(a)(5)(B).

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

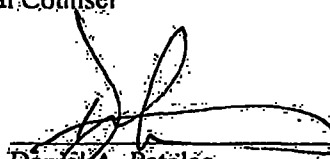
X. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Anthony Herman  
General Counsel


BY:

  
Daniel A. Petalas  
Associate General Counsel  
for Enforcement

Date

06/26/12

FOR THE RESPONDENT:

  
Name: ROBERT N. SHELTON  
Title: EXECUTIVE DIRECTOR

Date

30 May 2012

**SENSITIVE**

FEDERAL ELECTION  
COMMISSION

**BEFORE THE FEDERAL ELECTION COMMISSION**

2015 FEB -3 PM 2: 23

2015 FEB -3 PM 12: 05

In the Matter of )

Gary Husk, *et al.* )

MUR 6465

**CELA**

**THIRD GENERAL COUNSEL'S REPORT**

**I. ACTIONS RECOMMENDED**

This Office recommends that the Commission take no further action and close the file as to Gary Husk and Shawn Schoeffler; and close the file as to Anthony Aguilar, Scot Asher, Peggy Eyanson, Lee Eyanson, Jamie Fields, Jay Fields, Susan Junker, Mary McGlynn, Monica Simental, and Richard Wisneski.

**II. BACKGROUND**

This matter arose from a complaint alleging that The Arizona Sports Foundation, dba The Fiesta Bowl ("Fiesta Bowl"), a non-profit corporation, and certain individual officers and employees and their spouses violated 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f) by making prohibited contributions in the names of others to various federal political committees.<sup>1</sup> The Commission has negotiated and accepted signed conciliation agreements with the primary Respondents in this matter, namely, the Fiesta Bowl, its former President and Chief Executive Officer, John Junker, and its former Chief Operating Officer, Natalie Wisneski. The Fiesta Bowl admitted to knowingly and willfully violating 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f) and paid a \$71,000 civil penalty

<sup>1</sup> On September 1, 2014, the Federal Election Campaign Act of 1971, as amended, (the "Act") was transferred from Title 2 to Title 52 of the United States Code.

to resolve the Commission's matter.<sup>2</sup> The Commission entered into conciliation agreements with Junker and Wisneski individually, in which each admitted to knowingly and willfully violating 52 U.S.C. §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f) and Junker agreed to pay a \$25,000 civil penalty.<sup>3</sup> In addition, both Junker and Wisneski pleaded guilty in federal district court to violating 18 U.S.C. § 371 (Conspiracy), admitting, among other things, that they "knowingly and willfully" violated the law by "making campaign contributions in the name of another."<sup>4</sup>

At the preliminary stage of this matter, the Commission also found reason to believe that Gary Husk, a Fiesta Bowl lobbyist and consultant, knowingly and willfully violated 52 U.S.C. § 30122 (formerly 2 U.S.C. § 441f),<sup>5</sup> premised on information suggesting that Husk may have played a central role in devising and then attempting to conceal the Fiesta Bowl reimbursement scheme. After reviewing the voluminous record in this matter, including certain materials that Husk has submitted in response to the Commission's finding, we conclude that engaging in further administrative proceedings as to him would not be an efficient use of Commission

<sup>2</sup> See Conciliation Agreement §§ V.1-2, VII, MUR 6465 (Fiesta Bowl); Commission Certification ¶ 1, MUR 6465 (June 22, 2012).

<sup>3</sup> See Conciliation Agreement §§ V, VII, MUR 6465 (John Junker); Commission Certification ¶ 1, MUR 6465 (Nov. 8, 2013). See Conciliation Agreement §§ V, VII, MUR 6465 (Natalie Wisneski); Commission Certification ¶ 1, MUR 6465 (Oct. 22, 2013).

<sup>4</sup> Plea Agreement, *United States v. John Junker*, Crim. No. 12-00511 (D. Ariz. Mar. 13, 2012) ("Junker Plea Agreement"); Plea Agreement, *United States v. Natalie Wisneski*, Crim. No. 11-02216 (D. Ariz. Mar. 15, 2012) ("Wisneski Plea Agreement"). Junker was sentenced to eight months to be served in federal prison, three years of probation, and is required to pay restitution. See Sentencing Report for John Junker, *United States v. John Junker*, Crim. No. 12-00511 (D. Ariz. Mar. 14, 2014); Sentencing Report for John Junker, *Arizona v. John Howard Junker*, CR2012-006195-001 (Ariz. Super. Ct. Mar. 20, 2014). Wisneski received two years probation. Sentencing Report for Natalie Wisneski, *United States v. Natalie Wisneski*, Crim. No. 11-02216 (D. Ariz. Nov. 17, 2012).

<sup>5</sup> Husk Factual and Legal Analysis at 4-7 ("F&LA"); Commission Certification ¶ 1, MUR 6465 (Nov. 8, 2012).

resources. As such, we recommend that the Commission take no further action and close the file as to Husk.

Similarly, we recommend that the Commission not proceed further with respect to several additional Fiesta Bowl executives and employees who allegedly participated in the reimbursement scheme, because none of those individuals directed the unlawful activity and appeared to participate as conduits only at the behest of Junker, Wisneski, or both. Accordingly, we recommend that the Commission take no further action and close the file as to Shawn Schoeffler and close the file as to the remaining conduit Respondents.

### III. DISCUSSION

#### A. Gary Husk

Gary Husk is an attorney and registered lobbyist in the state of Arizona.<sup>6</sup> Husk's association with the Fiesta Bowl began in 2000 while he was employed by the public affairs company, Jamieson & Gutierrez, Inc. ("Jamieson & Gutierrez"), which assisted the Fiesta Bowl with various matters relating to the public financing, construction, and use of a new stadium.<sup>7</sup> Husk's duties during the two years he worked at the company did not include lobbying or

<sup>6</sup> Husk Resp. at 1-2 (Dec. 15, 2011); *see also* Final Report to the Counsel to the Special Committee of the Board of Directors of the Fiesta Bowl at 256-60 (Mar. 21, 2011) ("Final Report"), [http://www.fiestabowl.org/public/downloads/reports/Fiesta\\_Bowl\\_Final\\_Public.pdf](http://www.fiestabowl.org/public/downloads/reports/Fiesta_Bowl_Final_Public.pdf).

<sup>7</sup> Affidavit of Alfredo Gutierrez ¶¶ 2-3 (Mar. 8, 2012); Resp. at 2. Gutierrez was the President and owner of Jamieson & Gutierrez.

MUR 6465 (Gary Husk, *et al.*)  
Third General Counsel's Report

soliciting contributions from persons associated with the Fiesta Bowl.<sup>8</sup> In 2002, Husk became president of Husk Partners, Inc., the successor firm to Jamieson & Gutierrez. From 2002 to 2010, Husk Partners provided the Fiesta Bowl with general consulting and lobbying services, which included negotiating the use of the stadium with governmental entities, lobbying for legislation favorable to the Fiesta Bowl, soliciting business sponsorships, and soliciting, collecting, and transferring political contributions.<sup>9</sup> As an attorney, Husk also provided legal services to the Fiesta Bowl, including assistance with a number of tax audits.<sup>10</sup> There is no evidence, however, that Husk controlled the Fiesta Bowl's financial operations or the discretionary bonus pool out of which most of the employee contributions at issue were reimbursed.<sup>11</sup>

On November 8, 2012, the Commission found reason to believe that Husk may have been involved with the Fiesta Bowl reimbursement scheme and thereby knowingly and willfully violated 52 U.S.C. § 31122 (formerly 2 U.S.C. § 441f).<sup>12</sup> The record before the Commission

<sup>8</sup> Gutierrez Aff. ¶¶ 7-8. Although Husk stated that he was "the lead consultant assigned to the Fiesta Bowl" between 2000 and 2010, Husk Resp. at 3-4, information filed with the Arizona Secretary of State's office indicates that DeMenna & Associates was the designated lobbyist for the Fiesta Bowl between February 2000 and 2005 and provided the organization with fundraising services within that time frame. See [http://www.azsos.gov/scripts/Lobbyist\\_Search.dll/ZoomPPB?PPB\\_ID=104817](http://www.azsos.gov/scripts/Lobbyist_Search.dll/ZoomPPB?PPB_ID=104817); see also Gutierrez Aff. ¶¶ 5-7; RTB Resp. at 2 (Feb. 17, 2012); Suppl. RTB Resp., Exs. G, F (Feb. 11, 2014); Supp. RTB Resp. at 2, 7-8 (Aug. 14, 2013). Husk Partners, Inc. was registered as the designated lobbyist for the Tostitos Fiesta Bowl from March 1, 2000 to January 13, 2011. See [http://www.azsos.gov/scripts/Lobbyist\\_Search.dll/ZoomLOB?LOB\\_ID=3100128](http://www.azsos.gov/scripts/Lobbyist_Search.dll/ZoomLOB?LOB_ID=3100128).

<sup>9</sup> Husk Resp. at 2-3, 4-5. Affidavit of Gary A. Husk ¶¶ 2-6 (Feb. 10, 2014); see also Final Report at 35, 37, 40, 256, 259-60. According to the Final Report, the Fiesta Bowl paid Husk Partners over \$407,000 between April 2, 2003 and March 15, 2005 and May 25, 2010, and over \$775,000 between April 15, 2005 and October 8, 2010. Final Report at 80, 256, Sched. V.

<sup>10</sup> Final Report at 260. Between June 15, 2004 and October 8, 2010, the Fiesta Bowl paid Husk \$30,148 for his legal services. *Id.* at 80, 256, Sched. V.

<sup>11</sup> The majority of reimbursement checks were issued from the manual checkbook, which was under the control of Wisneski and her staff. *Id.* at 37-39, see also Husk Aff. at ¶ 8; Supp. RTB Resp. at 9 (Aug. 14, 2013).

<sup>12</sup> Commission Certification ¶ 1, MUR 6465 (Nov. 8, 2012).

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1 indicated that Husk may have played a pivotal role in the Fiesta Bowl reimbursement scheme by  
2 devising the plan to reimburse Fiesta Bowl employee contributions through the issuance of  
3 bonuses and attempting to conceal the scheme by obstructing an initial internal investigation into  
4 the allegations.<sup>13</sup>

5 Husk claims that he was not involved in that unlawful activity and contends that the  
6 material supporting the Commission's prior reason to believe determination as to  
7 him — particularly the statements made by Junker and Wisneski in connection with their guilty  
8 pleas — contain self-serving, biased, or otherwise inaccurate information.<sup>14</sup> While the record  
9 indicates that Husk was aware of the reimbursement scheme and assisted in concealing the  
10 reimbursement activities from the Fiesta Bowl Board of Directors during an initial internal  
11 investigation, Husk points to conflicting testimony concerning his level of involvement in  
12 originating the scheme.<sup>15</sup>

<sup>13</sup> See Final Report; Criminal Information, *United States v. John Junker*, Crim. No. 12-00511 (D. Ariz. filed Mar. 13, 2012); Junker Plea Agreement; Wisneski Plea Agreement; Indictment, *United States v. Natalie Wisneski*, Crim. No. 11-02216 (D. Ariz. filed Nov. 15, 2011); see also Husk F&LA at 2, 4-7.

<sup>14</sup> Husk Aff. ¶¶ 10-14; see also Resp. at 6-7, 8-10.; RTB Resp. at 1-2 (Feb. 17, 2012); Supp. RTB Resp. at 1-2 (Feb. 28, 2013); Supp. RTB Resp. at 3-4, 8 (Aug. 14, 2013).

<sup>15</sup> Final Report at 80-95; Resp. at 8-10; Supp. RTB Resp. at 2 (Feb. 28, 2013); Supp. RTB Resp. at 3-4, 8 (Aug. 14, 2013); see also Craig Harris, *Fiesta Bowl Employees Say Bowl Repaid Political Contributions*, ARIZ. REPUBLIC, Dec. 18, 2009.

Similarly, the available information casts some doubt regarding whether Wisneski's testimony indicating that Husk originated the scheme should be credited given that her narrative changed over the course of numerous interviews, including her claims at different times that Husk, Junker, or the former Chief Financial Officer of the Fiesta Bowl, Stan Laybourne, were in fact responsible for the scheme.<sup>18</sup>

Husk continues to dispute his liability

<sup>19</sup> Husk has not been criminally prosecuted in connection with the Fiesta Bowl reimbursement scheme after protracted federal and state investigations and an extensive internal investigation conducted by the Fiesta Bowl.

Husk's denials, however, should be balanced against the fact that Husk pleaded guilty in state court to a misdemeanor charge that he himself engaged in a contribution reimbursement scheme through his consulting firm, Husk Partners, in a time period after the Fiesta Bowl scheme

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<sup>18</sup> See Special Committee Report of Interview of Natalie Wisneski at 2, 10-11 (Feb. 2, 2011); Special Committee Report of Interview of Natalie Wisneski at 1 (Mar. 3, 2011);

See also Husk Supp. Resp. at 4 (Aug. 14, 2013);  
Husk Supp. Resp., Ex. 1 (Feb. 11, 2014).

<sup>19</sup> Husk Aff. at ¶¶ 10-14; see also Resp. at 6-7, 8-10.; RTB Resp. at 1-2 (Feb. 17, 2012); Supp. RTB Resp. at 1-2 (Feb. 28, 2013); Supp. RTB Resp. at 3-4, 8 (Aug. 14, 2013); Supp. RTB Resp. at 2, (Feb. 11, 2014)..



1 started.<sup>20</sup> And despite the possible inconsistencies in Junker's and Wisneski's testimony, both  
2 stated that Husk was involved in the reimbursement scheme in factual bases for their pleas in  
3 federal court under oath and on penalty of perjury. Nonetheless, on balance, the factors we have  
4 outlined here — including the arguably inconsistent statements of the only witnesses, the  
5 agreements of the parties at the center of the Fiesta Bowl scheme to conciliate and admit liability  
6 with the Commission, and the fact that the amount in violation that remains within the statute of  
7 limitations as to Husk is relatively low (specifically, \$5,000) — suggest that further proceedings  
8 involving Husk would not be warranted. Moreover, despite the substantial record presently  
9 before the Commission, no documentary evidence or other credible witness indicates that Husk  
10 actively directed the unlawful reimbursement scheme at issue in this matter.

11 Given this mixed record, we conclude that it would not be an efficient use of Commission  
12 resources to pursue Husk's liability through further probable cause proceedings or by filing suit.  
13 Thus, we recommend the Commission take no further action and close the file with respect to  
14 Husk.

#### 15 **B. Shawn Schoeffler**

16 At the initial stage of this matter the Commission found reason to believe that Shawn  
17 Schoeffler, Fiesta Bowl's former vice president for media relations, violated 52 U.S.C.

<sup>20</sup> In May 2013, Husk was indicted in state court in connection with a scheme involving the reimbursement of contributions made to state and local candidates by employees of Husk Partners. There is no evidence that the contribution reimbursements involving the Husk employees, which apparently took place between June of 2001 and February of 2010, was connected with the Fiesta Bowl scheme. In January 2014, Husk entered a guilty plea in the Maricopa County Superior Court on one misdemeanor count of conspiracy to making prohibited contributions. Plea Agreement, *Arizona v. Gary Anthony Husk*, CR2012-002416-001 (Ariz. Super. Ct. Jan. 17, 2014). Husk was sentenced to one year of probation and ordered to pay \$30,000 in restitution, a \$1,830 fine, and to perform 200 hours of community service. Sentencing Report for Gary Anthony Husk, CR2012-002416-001 (Ariz. Super. Ct. Jan. 27, 2014).

1 §§ 30118(a) and 30122 (formerly 2 U.S.C. §§ 441b(a) and 441f).<sup>21</sup> According to the Final  
2 Report, Schoeffler admitted that his political contributions were reimbursed with Fiesta Bowl  
3 funds.<sup>22</sup> In addition, it appeared that Schoeffler participated in soliciting and reimbursing a  
4 contribution made by one of his subordinates, Gina Chappin.<sup>23</sup>

5 In an affidavit Schoeffler provided after the reason to believe finding, he describes  
6 himself as a politically inexperienced employee who felt pressured by Fiesta Bowl leadership to  
7 contribute to candidates and political committees.<sup>24</sup> According Schoeffler, he participated in the  
8 activity at the direction of Junker (or Wisneski on Junker's behalf), who assured him that  
9 reimbursing contributions was the "way it was done" and "business as usual."<sup>25</sup> Schoeffler also  
10 states that Junker instructed him to approach Chappin regarding the contribution and did so  
11 based on a "good faith reliance" that the activity was a normal business practice.<sup>26</sup> Schoeffler

<sup>21</sup> See Commission Certification ¶ 6, MUR 6465 (Dec. 15, 2011). On April 2, 2012, Schoeffler entered a guilty plea in state court to one misdemeanor count of making a prohibited contribution. He was sentenced to one year of probation and fined \$4,600. See Plea Agreement and Sentencing Report, *Arizona v. Michael Shawn Schoeffler*, CR2012-006902-001 (Ariz. Super. Ct. Apr. 2, 2012).

<sup>22</sup> Schoeffler Factual and Legal Analysis at 9-10. Schoeffler's contributions were reimbursed typically through bonus checks, but at least one was reimbursed with a check used to pay for the down payment on a vehicle. Final Report at 50.

<sup>23</sup> *Id.* The evidence is unclear regarding exactly which of Chappin's contribution reimbursements Schoeffler approved. *Id.* at 36; *id.*, Sched. B, E-3.

<sup>24</sup> Schoeffler also states that did not recognize the names of those candidates to whom he contributed, did not even vote in those elections relevant to the conduct at issue, and only contributed to stay on the good side of his superiors at the Fiesta Bowl. Aff. of Shawn Schoeffler ¶ 6 (Dec. 11, 2012); Schoeffler RTB Resp. at 2 (Feb. 29, 2012); Final Report at 35.

<sup>25</sup> Schoeffler Compl. Resp. at 2 (July 7, 2011); Schoeffler Aff. ¶ 82.

<sup>26</sup> Schoeffler RTB Resp. at 2; Schoeffler Aff. ¶ 7. Chappin told investigators that she believed that Junker directed Schoeffler to approach her regarding making the contribution. Final Report at 8, 36.

further states that he only became aware that the Fiesta Bowl's practice of reimbursing employee contributions was illegal when informed by an unnamed colleague in October of 2009.<sup>27</sup>

We recommend that the Commission take no further action and close the file with respect to Shawn Schoeffler because none of the available evidence directly contradicts his sworn statement that he acted at the direction of Junker and because Junker has taken responsibility for the unlawful activities at issue in this matter, admitted to knowing and willful violations of the Act, and paid a substantial civil penalty.<sup>28</sup>

### C. Additional Alleged Conduits

We believe the Commission should exercise its prosecutorial discretion and close the file as to the remaining conduits in this matter: Anthony Aguilar, Scot Asher, Peggy Eyanson, Lee Eyanson, Jamie Fields, Jay Fields, Susan Junker, Mary McGlynn, Monica Simental, and Richard Wisneski.<sup>29</sup> The available evidence indicates that these Respondents participated in the activity at issue at the direction of Fiesta Bowl leadership or in their capacity as uninvolved spouses of subordinate employees. Finally, as noted above, the primary Respondents in this matter have

<sup>27</sup> Schoeffler Aff. ¶ 10.

<sup>28</sup> The Commission made a similar finding with regard to Robert Rubio, a similarly situated respondent in the Cannon matter. *See* Fifth Gen. Counsel's Rpt. at 2, MUR 5849 (Cannon) (Commission took no further action with regard to manager who reimbursed subordinate's contribution with bank funds at the direction of his own supervisor, Kathleen Cannon); Commission Certification ¶ 2, MUR 5849 (Sept. 23, 2009).

<sup>29</sup> Three of these respondents each entered guilty pleas in state court on single misdemeanor counts of making prohibited contributions. *See* Plea Agreement, *Arizona v. Anthony Joseph Aguilar*, CR2012-006902-001 (Ariz. Super. Ct. Apr. 2, 2012); Plea Agreement, *Arizona v. Peggy Ann Eyanson*, CR2012-006196-001 (Ariz. Super. Ct. Feb. 21, 2012); Plea Agreement, *Arizona v. Jay Lee Fields*, CR2012-006197-001 (Ariz. Super. Ct. Feb. 21, 2012). The court sentenced Aguilar to one year of probation and a \$4,500 fine. Report of Sentence, *Arizona v. Anthony Joseph Aguilar*, CR2012-006902-001 (Ariz. Super. Ct. Apr. 2, 2012). Fields and Eyanson were each sentenced to one year of probation and fined \$2,500. *See* Press Release, AG Horne Announces Court Agreements Reached with Three Fiesta Bowl Defendants (Feb. 21, 2012), <https://www.azag.gov/press-release/ag-horne-announces-court-agreements-reached-three-fiesta-bowl-defendants>.

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accepted full responsibility, admitted to knowing and willful violations, and as to the Fiesta Bowl and Junker, paid significant civil penalties.

Accordingly, we recommend that the Commission close the file as to Anthony Aguilar, Scot Asher, Peggy Eyanson, Lee Eyanson, Jamie Fields, Jay Fields, Susan Junker, Mary McGlynn, Jamie Fields, Monica Simental, and Richard Wisneski.<sup>30</sup>

#### IV. RECOMMENDATIONS

1. Take no further action and close the file with respect to Gary Husk.
2. Take no further action and close the file with respect to Shawn Schoeffler.
3. Close the file with respect to Anthony Aguilar, Scot Asher, Peggy Eyanson, Lee Eyanson, Jamie Fields, Jay Fields, Susan Junker, Mary McGlynn, Monica Simental, and Richard Wisneski.

<sup>30</sup>

This recommendation is consistent with previous Commission decisions concerning similarly situated respondents who acted as conduits. See First Gen. Counsel's Rpt. at 15-16, MUR 6054 (Venice Nissan, *et al.*); Sixth Gen. Counsel's Rpt. at 48, MUR 6054 (Venice Nissan, *et al.*) (Commission took no action at this time with certain employee conduits and then closed the file as to those individuals where the investigation failed to indicate they were not active participants in the reimbursement activity); Commission Certification ¶ 3, MUR 6054 (Venice Nissan, *et al.*) (Aug. 24, 2010).


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4. Approve the appropriate letters.


5. Close the entire file.

Date: 2/3/18

BY:

  
Daniel A. Petalas  
Associate General Counsel for Enforcement

  
Peter G. Blumberg  
Assistant General Counsel

  
Marianne Abely  
Attorney

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